



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2005 REGULAR SESSION

SENATE BILL NO. 217

FRIDAY, FEBRUARY 18, 2005

The following bill was reported to the House from the Senate and ordered to be printed.

RECEIVED AND FILED
DATE March 18, 2005
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TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adles

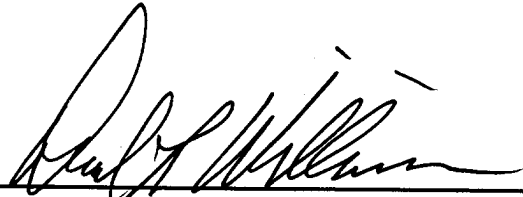
AN ACT relating to the licensure and regulation of health care facilities and services.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

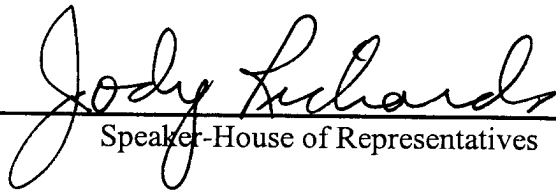
- 1 Section 1. KRS 216B.455 is amended to read as follows:
- 2 (1) A certificate of need shall be required for all psychiatric residential treatment
- 3 facilities. The application for a certificate of need shall include formal written
- 4 agreements of cooperation that identify the nature and extent of the proposed
- 5 working relationship between the proposed psychiatric residential treatment facility
- 6 and each of the following agencies, organizations, or facilities located in the service
- 7 area of the proposed facility:
- 8 (a) Regional interagency council for children with emotional disability or severe
- 9 emotional disability as defined in KRS 200.509;
- 10 (b) Department for Community Based Services;
- 11 (c) Local school districts;
- 12 (d) At least one (1) psychiatric hospital; and
- 13 (e) Any other agency, organization, or facility deemed appropriate by the cabinet.
- 14 (2) Notwithstanding provisions for granting of a nonsubstantive review of a certificate
- 15 of need application under KRS 216B.095, the cabinet shall review and approve the
- 16 nonsubstantive review of an application seeking to increase the number of beds as
- 17 permitted by KRS 216B.450 if the application is submitted by an eight (8) bed or
- 18 sixteen (16) bed psychiatric residential treatment facility licensed and operating **or**
- 19 **holding an approved certificate of need** on July 13, 2004. The cabinet shall base its
- 20 approval of expanded beds upon the psychiatric residential treatment facility's
- 21 ability to meet standards designed by the cabinet to provide stability of care. The
- 22 standards shall be promulgated by the cabinet in an administrative regulation in
- 23 accordance with KRS Chapter 13A. An application under this subsection shall not
- 24 be subject to any moratorium relating to certificate of need.

- 1 (3) All psychiatric residential treatment facilities shall comply with the licensure
2 requirements as set forth in KRS 216B.105.
- 3 (4) All psychiatric residential treatment facilities shall be certified by the Joint
4 Commission on Accreditation of Healthcare Organizations, or the Council on
5 Accreditation, or any other accrediting body with comparable standards that is
6 recognized by the state.
- 7 (5) A psychiatric residential treatment facility shall not be located in or on the grounds
8 of a psychiatric hospital. More than one (1) freestanding psychiatric residential
9 treatment facility may be located on the same campus that is not in or on the
10 grounds of a psychiatric hospital.
- 11 (6) The total number of psychiatric residential treatment facility beds shall not exceed
12 three hundred and fifteen (315) beds statewide, and shall be distributed among the
13 state mental hospital districts established by administrative regulations promulgated
14 by the Cabinet for Health Services under KRS 210.300 as follows:
- 15 (a) District I for seventy-two (72) beds;
16 (b) District II for ninety-nine (99) beds;
17 (c) District III for ninety (90) beds; and
18 (d) District IV for fifty-four (54) beds.
- 19 (7) (a) The Cabinet for Health Services and the Cabinet for Families and Children
20 shall investigate the need for children's psychiatric residential treatment
21 services for specialized populations including, but not limited to, sexual
22 offenders, children with physical and developmental disabilities, and children
23 with dual diagnoses.
- 24 (b) The cabinets shall report to the Governor and the Legislative Research
25 Commission by August 1, 2005, on a plan to enable children with specialized
26 needs to be served in community-based psychiatric treatment facilities in
27 Kentucky. The plan shall include methods to:

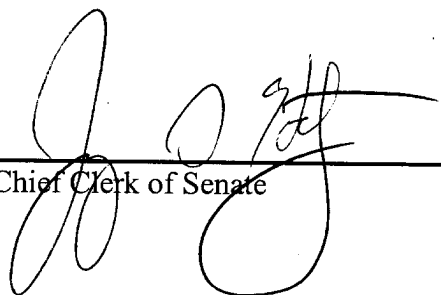
- 1 1. Identify the specialized populations;
- 2 2. Develop services targeted for the specialized populations; and
- 3 3. Establish a Medicaid reimbursement rate for specialized facilities in
- 4 Kentucky.



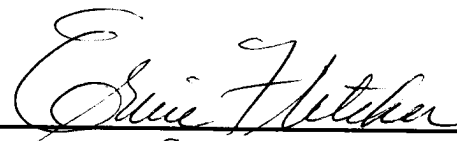
President of the Senate



Speaker-House of Representatives

Attest: 

Chief Clerk of Senate

Approved 

Governor

Date 
